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BAKER & BOTTS LLP  
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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 08/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

*[Handwritten signature]*

# Office Action Summary

Applicati n N .

09/477,193

Examin r

Carl Colin

Applicant(s)

TIGHE ET AL.

Art Unit

2133

-- The MAILING DATE of this c mmunication app ars on th cover sh et with th correspondence address --

## Peri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disp sition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/21/1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachm nt(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## **DETAILED ACTION**

### ***Drawings***

Fig. 2 is objected to as failing to comply with 37 CFR 1.84(p)(5) because it includes the reference sign (3000) not mentioned in the description. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-45** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,584,562 to **Fiori**.

**As per claim 1, Fiori** discloses a method for establishing a telephone call between a trusted Internet Protocol (IP) telephone and an untrusted device (column 2, lines 25-30); the method comprising, receiving a call initiation request from an untrusted device indicating a desired communication with a trusted IP telephone (column 6, lines 19-22); evaluating the call request and establishing a telecommunication link between the untrusted device and the trusted IP telephone in response to a positive evaluation of the call initiation request (column 6, lines 26-44); wherein establishing the telecommunication link comprises: associating a first logical port with the trusted device and a second port logical port with the untrusted device (see claims 1 and 15). **Fiori** also discloses the method of receiving first telecommunication data from the untrusted device, modifying a first source address information to specify the second logical port of the telephone proxy, communicating the data with the modified first source address information to the trusted device (see column 7 and claims 1 and 15). **Fiori** further discloses the same steps with the second data from the trusted device since he describes both subscribers (see column 7 and claims 1 and 15).

**Claim 2** is an independent claim, but recites some of the limitations of claim 1. Therefore, claim 2 is rejected on the same rationale as the rejection of claim 1.

**As per claim 3, Fiori** discloses the claimed method of claim 2, wherein receiving a call initiation request from the untrusted device comprises intercepting a call initiation request at an entry point to a trusted network servicing the trusted IP telephone, the call initiation request sent from outside the trusted network by the untrusted device (see fig.1).

**As per claim 4, Fiori** discloses the claimed method of claim 2, wherein evaluating the call initiation request comprises determining whether the trusted IP telephone is a proper recipient of a telephone call from an untrusted device (column 6, lines 34-38 and column 7, lines 45-49).

**As per claim 5, Fiori** discloses the claimed method of claim 4, wherein determining whether the trusted IP telephone is a proper recipient of a telephone call from an untrusted device comprises determining whether a network address of the trusted IP telephone is included in a list of approved network addresses (column 4, lines 22 et seq.; column 6, lines 23-28; and column 7, lines 45-49).

**As per claims 6-7, Fiori** discloses the claimed method of claim 2, wherein evaluating the call initiation request comprises determining whether a network address of the untrusted device is included in a list of approved network addresses (column 4, lines 22 et seq.; column 6, lines 23-28; and column 7, lines 45-49); and determining

whether the untrusted device is requesting the establishment of media streaming with the trusted IP telephone (column 3, lines 31-67 see also column 4, lines 45 et seq.).

**As per claim 8, Fiori** discloses the claimed method of claim 2, wherein establishing a telecommunication link between the untrusted device and the trusted IP telephone comprises establishing a telecommunication link using a telephony proxy (column 5, lines 25-35 and column 6, lines 29 et seq.).

**As per claims 9-10, Fiori** discloses the claimed method of claim 8. **Fiori** also mentions way of determining the type of data transmitting by the subscribers that meets the recitation of monitoring the telecommunication link to determine whether the telecommunications being sent by the untrusted device use an appropriate audio format and media streaming (column 3, lines 31-67 see also column 4, lines 45 et seq.).

**As per claim 11, Fiori** discloses the claimed method of claim 8. **Fiori** further discloses the limitations of claim 11, which recites the steps found in claim 1 rejected above. Therefore, claim 11 is rejected on the same rationale as the rejection of claim 1.

**As per claim 12, Fiori** discloses the claimed method of claim 11, wherein associating a first logical port of the telephony proxy with the untrusted device comprises associating a User Datagram Protocol (UDP) logical port to enable the streaming of IP packets (column 3, lines 1-6). To a person having ordinary skill in the

art, **Fiori** discloses a system capable of exchanging information using UDP (see also column 4, lines 45 et seq. and column 8, lines 1-36).

**As per claim 13, Fiori** discloses the claimed method of claim 12, wherein modifying the source address information in the received telecommunication data comprises modifying a source IP address and a source port in a header of each IP packet (see column 7). **Fiori** discloses a method wherein the server varies the keys and transmit them over the D channel to the network terminals.

**As per claim 14, Fiori** discloses a communication network for establishing a telephone call between a trusted telephone and an untrusted device, the communication network comprising: a first trusted network; a trusted telephone coupled to the first trusted network (column 5, lines 6-21); a server comprising software (column 5, lines 32-35 and column 6), lines 12-16) that meets the recitation of an authentication controller coupled to the first trusted network and operable to evaluate a call initiation request received from an untrusted device external to the first trusted network; and a server comprising software (column 5, lines 26-35 and column 6, lines 34-44) that meets the recitation of a call manager operable to initiate the creation of a telecommunication link between the trusted telephone and the untrusted device in response to a positive evaluation of the call initiation request.

**As per claim 15, Fiori** discloses the claimed communication network of claim 14. Claim 15 recites the same limitation as claim 8 and is rejected on the same rationale as the rejection of claim 8.

**As per claim 16, Fiori** discloses the claimed communication network of claim 15, wherein the elements as described in claim 14 above comprise software executed in one or more devices in the trusted network (column 2; lines 7-18 and columns 5-6 lines 60 et seq.).

**Claims 17-20** recite the communication network connection of claim 14 that **Fiori** discloses in fig.1.

**As per claim 21, Fiori** discloses the claimed network of claim 14. **Fiori** further discloses (column 4, lines 32-35) that the embodiment describes in the drawings is not limited and to a person having ordinary skill in the art, it is obvious that the communication network described by **Fiori** may comprise a second trusted network.

**As per claims 22-23, Fiori** discloses the claimed communication network of claim 14, The communication network of Claim 14, wherein the authentication controller comprises a list of addresses of network devices permitted to receive telephone calls from untrusted devices and permitted to communicate with the trusted telephone (column 4, lines 22 et seq.; column 6, lines 23-28; and column 7, lines 38-67).



**Claims 24-25** recite the same limitations as claims 9-10 and are rejected on the same rationale as the rejection of claims 9-10.

**Claims 26-37** recite the same limitations as claims 2-13 respectively by referring to a software instead of a method and are rejected on the same rationale as the rejection of claims 2-13 as it will be apparent to one with an ordinary skill in the art that the same invention disclosed by **Fiori** can be implemented in a software. **Fiori** further mentions the use of a software in accordance with some embodiments of the invention.

**Claim 38** recites the same limitations found in claims 14-15 and are rejected on the same rationale as the rejection of claims 14-15. Claim 38 further refers to an apparatus instead of a method. It will be apparent to one with an ordinary skill in the art that the same invention disclosed by **Fiori** can be implemented in an apparatus.

**Claims 39-42** recite the same limitations as claims 22-25 respectively by referring to an apparatus instead of a network and are rejected on the same rationale as the rejection of claims 22-25 as it will be apparent to one with an ordinary skill in the art that the same invention disclosed by **Fiori** can be implemented in an apparatus.

**As per claim 43, Fiori** discloses the apparatus of claim 38. Claim 43 recites the limitations found in claim 1 and is rejected on the same rationale as the rejection of claim 1.

**Claims 44-45** recite the same limitations as claims 12-13 respectively by referring to an apparatus instead of a method and are rejected on the same rationale as the rejection of claims 12-13 as it will be apparent to one with an ordinary skill in the art that the same invention disclosed by **Fiori** can be implemented in an apparatus.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday and every other Friday, 7:30-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/477,193  
Art Unit: 2133

Page 10

*cc*  
Carl Colin  
Patent Examiner  
August 22, 2003

*Eugene J. Lamare*  
*for*  
**Albert DeCady**  
**Primary Examiner**